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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT LEE WATKINS,

Petitioner,

vs.

JAMES BENEDITTI, *et al.*,

Respondents.

3:10-cv-00101-RCJ-VPC

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on a *sua sponte* inquiry as to whether, *inter alia*, the petition is a successive petition. This order follows upon the Court's earlier show cause order (#5) and an opportunity for a response.

Background

According to the papers submitted and available court records, petitioner Robert Lee Watkins was convicted in 1995 in Nevada state court, pursuant to a jury verdict, of four counts of sexual assault of a minor under fourteen years of age. The Supreme Court of Nevada affirmed the conviction on direct appeal on March 27, 1997. *See, e.g., Watkins v. State*, 113 Nev. 1658, 970 P.2d 1139 (1997)(table). Petitioner thereafter, in or around November 1997, mailed a federal habeas petition to this Court for filing in No. 3:97-cv-00638-ECR-RAM. The Court denied the petition on the merits on April 8, 1999. According to the online docket records of the Court of Appeals, the Ninth Circuit denied a certificate of appealability over a decade ago, on October 26, 1999.

1 Despite this clear directive, petitioner once again filed copies of the victim's juvenile
2 or medical records without an accompanying separate motion seeking to have the papers
3 filed under seal. If petitioner again violates the Court's order and again files copies of the
4 victim's juvenile or medical records without an accompanying separate motion seeking to
5 have the papers filed under seal, the Court will impose sanctions, without regard to whether
6 the Court otherwise has jurisdiction over or is proceeding forward in the underlying action.

7 IT THEREFORE IS ORDERED that this action hereby is TRANSFERRED to the United
8 States Court of Appeals for the Ninth Circuit for consideration under 28 U.S.C. §
9 2244(b)(3)(A).

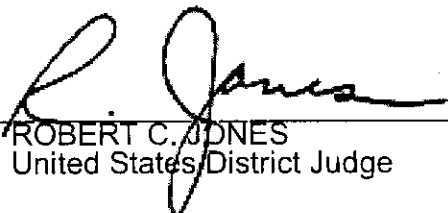
10 IT FURTHER IS ORDERED that the Clerk shall file electronic docketing pages 40, 50-
11 58 and 62-76 of #7 under seal.

12 IT FURTHER IS ORDERED that the Clerk of the Court shall transmit the entire case
13 file to the Court of Appeals simultaneous with this transfer order substantially in the same
14 manner as an appeal, pursuant to the current practice of the Clerk with regard to the
15 electronic record.

16 The transfer pursuant to this order closes this matter in the District Court.

17 DATED: This 24th day of August, 2010.

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ROBERT C. JONES
United States District Judge